

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ARDELL JENKINS,

11 Plaintiff,

12 v.
13 FEDERAL DETENTION CENTER SEA-
TAC,

14 Defendant.

CASE NO. C14-1827-JCC-JPD

ORDER

15 This matter comes before the Court on the Report and Recommendation of the Honorable
16 James P. Donohue, United States Magistrate Judge (Dkt. No. 3) and Plaintiff's motion for leave
17 to proceed *in forma pauperis* (Dkt. No. 4.).

18 Judge Donohue recommended the above-captioned matter be dismissed for failure to
19 prosecute on the basis that Plaintiff did not pay his filing fee or move for leave to proceed *in*
20 *forma pauperis*. (Dkt. No. 3, p. 2.) Objections to the Report and Recommendation were due
21 April 13, 2015. (*Id.*) On April 13, 2015, Plaintiff filed his motion for leave to proceed *in forma*
22 *pauperis*. (Dkt. No. 4.)

23 In light of Plaintiff's filing of his motion to proceed *in forma pauperis*, the Court
24 DECLINES to adopt the Report and Recommendation. This matter is referred back to Judge
25 Donohue for further proceedings, including whether or not to grant Plaintiff leave to proceed *in*
26 *forma pauperis*.

DATED this 5th day of May 2015.

Joh C Cayman

John C. Coughenour
UNITED STATES DISTRICT JUDGE